

SCHEDULE E

ESTATES TAKEN

Estate Taken as to Parcel No. NGP-16 (Fee):

The fee simple title to the land, subject to existing easements of record for public utilities and the rights reserved in the Warranty Deed recorded May 18, 1950 and recorded in Book 10 Warranty Deed, Page 378-379 in the office of the County Clerk, McKinley County, New Mexico (the “Reserved Rights”).

Estate Taken as to Parcel Nos. NGP-16A (P), NGP-16B (P), and NGP-16C (P) (Perpetual Easements):

Perpetual easements for the United States, including its representatives, agents, and contractors (the “United States”), to use the property for the construction, reconstruction, and operation and maintenance of an underground main water transmission pipeline and appurtenant structures, specifically including overhead power lines necessary for the water tank site, and for access purposes, which may include construction, reconstruction, and operation and maintenance of roads, subject to existing easements of record for public roads and highways, public utilities, and the Reserved Rights.

The United States may, in its sole discretion, erect, maintain, or use gates in all fences which now cross or later may cross any portion of the easement(s) to enable the United States to take equipment along the easement(s) to perform required maintenance and repair.

The United States shall also be entitled to trim, cut, or clear away trees, brush, or other vegetation or flora over, on, or extending within the easement area from time to time as the United States determines in its sole discretion.

The following activities are prohibited within the perpetual easement area:

- (i) constructing, or permitting to be constructed any permanent building, structure, or improvement of any kind including, but not limited to, any fences, hard surfaced areas, or other permanent or temporary obstructions or improvements within the boundaries of the easement area that might interfere with the United States’ ability to gain access to the easements for operation, maintenance, repair, and replacement purposes;
- (ii) planting any trees or shrubs on any portion of the easement; digging or drilling any holes or wells; increasing or decreasing the ground elevations existing at the time the property was taken, on all or any portion of the easement; and
- (iii) removing materials from the area without the approval of the United States.

Estate Taken as to Parcel Nos. NGP-16A (T), NGP-16B (T), and NGP-16C (T) (Temporary Easements):

Temporary easements for the United States, including its representatives, agents, and contractors (the “United States”) to use the property for construction purposes during construction of the water storage tank yard, access road, and underground main water transmission pipeline and appurtenant structures, specifically including overhead power lines necessary for the water tank site, subject to existing easements of record for public roads and highways, public utilities, and the Reserved Rights. The temporary easements will terminate on December 31, 2024, or at the end of construction, whichever comes first.

The United States may, in its sole discretion, erect, maintain, or use gates in all fences which now cross or later may cross any portion of the temporary easement(s) to enable the United States to take equipment along the temporary easement(s).

The United States does not condemn the right of the property owner(s) to prevent public access to the temporary easement areas.

The United States shall also be entitled to trim, cut, or clear away trees, brush, or other vegetation or flora over, on or extending within the temporary easement area from time to time as the United States determines in its sole discretion.

Within a reasonable time after completion of construction in the temporary easement areas, the United States will cause the temporary easement areas to be restored to pre-construction condition. The United States will retain the right to access the temporary easement areas following the completion of construction for the limited purposes of causing such restoration.